IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION No. 15728 of 1997

Between:

The Tandava Co-operative Sugars Ltd., rep. by Managing Director,
Sri S. Ramagangi Reddy, S/o Gangi Reddy, R/o Payakaraopeta,
Visakhapatnam Dist.

..... PETITIONER

AND

1 The Gram Panchayat, rep. by Executive Officer,
Payakaropet, Visakhapatnam Dist.
2 Government of A.P., rep. by Secretary
Panchayat Raj, Rural Development & Relief (PTS.III) Dept.,
Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue Writ of Mandamus declaring that the licence fee under G.O.Ms. No. 16dt: 10.1.196 to the extent it prescribes levy and collection of licence fee with reference to Horse Power of Various items and sub items of the integral Machinery of Industrial unit as illegal and without jurisdiction and set aside the same or in alternative to direct the Respondents to collect licence fee with reference to aggregate HP of all the items and sub items that constitutes an integral unit in the Petitioner concern and accordingly fix the licence fee at Rs. 7,000/- under item 9 of Scheule to the GO MS.No. 16 dt:10.1.1996 and consequently set aside the proceedings of the 1st Respondent in ROC.No. 6/96 dt:24.2.1997 and 28.2.1997.

Counsel for the Petitioner : Mr.S.JANARDHAN REDDY

Counsel for Respondents : G.P. FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following:

ORDER:

Heard the learned counsel for petitioner and the learned Government Pleader for Panchayat.

Challenging G.O.Ms. No.16 dt:10.1.196 to the extent it prescribes levy and collection of licence fee with reference to Horse Power of Various items and sub items of the integral Machinery of Industrial unit, the present writ petition is filed.

It is submitted by the learned counsel for the petitioner and admitted to by the learned Government Pleader that the subject matter of this writ petition is squarely covered by the order of this Court in W.P.No. 12377 of 1996 dated 27.9.1999.

In the circumstances, following the above order, this writ petition is also allowed for the same and similar reasons. No costs.

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N.V.RAMANA, J

Date: 19.4.2005

DA/SVV

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Bilal Nazki, the Acting Chief Justice on this Tuesday, the Nineteenth day of April, Two thousand and five.

To

1 The Executive Officer, Gram Panchayat,
Payakaropet, Visakhapatnam Dist.
2 The Secretary, Government of A.P., Panchayat Raj, Rural Development & Relief (PTS.III) Dept., Secretariat, Hyderabad.

3 Two CCs to G.P for Panchayat Raj, High Court of A.P., Buildings, Hyderabad (OUT)

4 Two CD copies